

REMARKS

Claims 102-109, 111, 112 and 122-129 are pending, of which claims 102 and 122 are in independent form. Claims 113-118, 120 and 121 have been cancelled without prejudice, limitation, waiver or estoppel.

Claims 102, 104-109, 111, 112 and 122-129 have been amended by way of this response. Support for the claim amendments may be found in the present patent application at various places. See, e.g., paragraphs [0003], [0004], [0006], [0007] and [0018] of U.S. Patent Application Publication No. 2001/0005857 corresponding to the present patent application.

Applicant appreciates the telephone discussion with the Examiner on May 27, 2011.

Favorable reconsideration of the present patent application as currently constituted is respectfully requested.

Regarding the Double Patenting Rejections

Claims 102-109, 111-118 and 120-129 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 7,386,588 (the '588 patent). Without necessarily acquiescing in the characterization provided in the Office Action with respect to

the pending claims, allegedly conflicting claims of the '588 patent, or both, Applicant respectfully submits that the outstanding double patent rejections have been overcome or otherwise rendered moot in view of the present claim amendments. It is believed that the pending claims as currently amended are patentably distinct from the claims of the '588 patent.

Regarding the Claim Rejections - 35 U.S.C. §101

Claims 122-129 stand rejected under 35 U.S.C. §101 as being "directed to non-statutory subject matter." Applicant has appropriately amended claims 122-129 by way of the present response. The outstanding §101 rejections have therefore been overcome or otherwise rendered moot.

Regarding the Claim Rejections - 35 U.S.C. §112

Claims 113-118, 120 and 121 stand rejected under 35 U.S.C. §112, second paragraph. These rejections are now moot as Applicant has cancelled claims 113-118, 120 and 121 without prejudice, limitation, waiver or estoppel.

Regarding the Claim Rejections - 35 U.S.C. §103

Claims 102-104, 106-113, 115-122 and 124-129 stand rejected under 35 U.S.C. §103(a) over the combination of AirMobile Wireless Communication Client for cc:Mail User Guide Version 1.0, Communication Client Guide, 1995 (hereinafter *AirMobile*), MAPI Developers Forum post "MAPI Notification" April 12, 1996 (hereinafter *Carthy*) and U.S. Patent No. 5,764,899 to Eggleston et al. (hereinafter *Eggleston*). In addition, claims 105, 114 and 123 are rejected under 35 U.S.C. §103(a) over the combination of *AirMobile*, *Carthy* and *Eggleston* in view of U.S. Patent No. 6,289,105 to Murota (hereinafter *Murota*).

Applicant respectfully submits that the foregoing §103 rejections have been overcome or otherwise rendered moot by way of the present claim amendments. As currently constituted, base claim 102, directed to a method of pushing user data items in real-time delivery, recites the feature of continuously redirecting the user data items to the user's wireless mobile data communication device. As discussed in the present patent application, continuous and real-time redirection of user data items is provided so as to avoid connecting the user's mobile device to a host system, e.g., in a wireless session or otherwise. In contrast, the system disclosed in

AirMobile/Eggleston necessarily requires establishing a wireless connection with the mobile device so as to maintain a virtual session that is critical for forwarding messages. Where there is no connection with the mobile device (for example, the mobile device being out of a wireless network coverage area or the device being powered off), there is no forwarding of the messages. Accordingly, it appears that the *AirMobile/Eggleston* system is fundamentally deficient with respect to the claimed embodiments where the messages are continuously redirected regardless of the constraints set forth above. Applicant further notes that the remaining secondary and tertiary references (i.e., the *Carthy* and *Murota* references) are of little avail in this regard.

For at least the foregoing reasons, Applicant respectfully submits that base claims 102 and 122 as currently amended and their respective dependent claims are allowable over the cited art.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference, the present claims and/or Applicant's prior responses, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise, the right to present a showing of secondary considerations in the instant application by way of one or more supplemental submissions under 37 C.F.R. §1.132, or any and all other rights and remedies available under the Patent Statute.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. No request for extension of the response period is being made. Accordingly, it is believed no fees are due for the filing of the present response. If any fees are due and/or any overpayments have been made, however, please charge and/or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the present embodiments, as now defined by the independent claims, and in further view of the above amendments and/or remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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